Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

CIVIL REVISION NO. 101 /2006.

APPLICANTS / DEFENDANTS / JUDGEMENT DEBTORS :

1) Smt. Kanchan Bai, W/o. Budhram Ukey aged about 59 years, House wife,

2) Budhram Ukey, S/o. Mahadeo Ukey, aged about 66 years, retired police constable

Both Caste Mahar, Both are R/o. Nehru Nagar, Tahsil Bhanupratappur, Distt. North Bastar Kanker, (C.G.)

P.R. No. 1992/06 Presented by Shri B.K. Shrivastava dated 13/7/06

VERSUS

NON-APPLICANTS / PLAINTIFF / DECREE HOLDER :

1) Smt. Satyavati, W/o. Ramkaran Meshram aged about 34 years, Caste Mahar, R/o. Nehru Nagar, Tahsil, Bhanupratappur, District North Bastar Kanker, (C. G.)

2) State of Chhattisgarh, Through: Collector, North Bastar Kanker (C. G.)

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CIVIL REVISION U/S 115 OF C. P. C.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R.No. 101 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.7.2006

Shri Ramesh Sharma, counsel for the petitioners.

Heard on admission.

Order passed as follows:

ORAL ORDER

This revision is directed against the order dated 21.6.2006 passed in execution case No.12-A/2004 by the Civil Judge, Class-I, Bhanupratappur, Distt. Kanker (Bastar).

A perusal of the order would show that in a pending execution case regarding execution of judgment & decree dated 08.7.2005, an objection was taken u/s 248, 250 and 257 of the M.P. (C.G) Land Revenue Code *inter-alia* pleading that since the decree relates to delivery of possession and ultimately the possession has to be handed over to the decree holder, the executing court, in view of the provisions of section 257 of the aforesaid Code, cannot pass any order in this regard.

The arguments advanced by learned counsel for the petitioner appears to be misconceived. Section 257 of the Land Revenue Code provides that except as otherwise provided in this Code, or in any other enactment for the being in force, no civil court shall entertain any suit instituted or application made to obtain a decision or order on any matter which the State Government, the Board or any Revenue Officer is by this Code empowered to determine, decide or dispose of, and in particular

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मामला क्रमांक ..... C.R. No. 101 ..... **सन् 200 6**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

and without prejudice to the generality of the provision, no civil court shall exercise any jurisdiction over any of the matters referred thereunder.

A bare reading of section 257 of the Code would show that these provisions are attracted where certain decision is to be obtained or order is to be made in regard to the subject matter referred therein, but where the orders have already been passed and the court is having only executory jurisdiction, these provisions would not be attracted.

The revision has no merit and the same is dismissed.

Consequently, M.C.P.No.1184/2006 for grant of stay and I.A. No. 2211/2006 for urgent hearing stand disposed of

Sd/-
Sunil Kumar Sinha
Judge

(Rao)

P.T.O.